

112TH CONGRESS
2D SESSION

H. R. 4607

To ensure economy and efficiency of Federal Government operations by establishing a moratorium on midnight rules during a President's final days in office, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 24, 2012

Mr. RIBBLE (for himself, Mr. ISSA, Mr. JORDAN, Mr. CARTER, Mr. CONAWAY, Mr. PAUL, and Mr. JONES) introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To ensure economy and efficiency of Federal Government operations by establishing a moratorium on midnight rules during a President's final days in office, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Midnight Rule Relief
5 Act of 2012”.

1 **SEC. 2. MORATORIUM ON MIDNIGHT RULES.**

2 Except as provided under sections 3 and 4, during
3 the moratorium period, an agency may not propose or fi-
4 nalize any midnight rule that the Administrator of the Of-
5 fice of Information and Regulatory Affairs of the Office
6 of Management and Budget finds is likely to result in—

7 (1) an annual effect on the economy of
8 \$100,000,000 or more;

9 (2) a major increase in costs or prices for con-
10 sumers, individual industries, Federal, State, or local
11 government agencies, or geographic regions; or

12 (3) significant adverse effects on competition,
13 employment, investment, productivity, innovation, or
14 on the ability of United States-based enterprises to
15 compete with foreign-based enterprises in domestic
16 and export markets.

17 **SEC. 3. SPECIAL RULE ON STATUTORY, REGULATORY, AND**
18 **JUDICIAL DEADLINES.**

19 (a) IN GENERAL.—Section 2 shall not apply with re-
20 spect to any deadline—

21 (1) for, relating to, or involving any midnight
22 rule;

23 (2) that was established before the beginning of
24 the moratorium period; and

25 (3) that is required to be taken during the mor-
26 atorium period.

1 (b) PUBLICATION OF DEADLINES.—Not later than
2 30 days after the beginning of a moratorium period, the
3 Administrator of the Office of Information and Regulatory
4 Affairs of the Office of Management and Budget shall
5 identify and publish in the Federal Register a list of dead-
6 lines covered by subsection (a).

7 **SEC. 4. EXCEPTION.**

8 (a) EMERGENCY EXCEPTION.—Section 2 shall not
9 apply to a midnight rule if the President determines that
10 the midnight rule is—

11 (1) necessary because of an imminent threat to
12 health or safety or other emergency;

13 (2) necessary for the enforcement of criminal
14 laws;

15 (3) necessary for the national security of the
16 United States; or

17 (4) issued pursuant to any statute imple-
18 menting an international trade agreement.

19 (b) DEREGULATORY EXCEPTION.—Section 2 shall
20 not apply to a midnight rule that the Administrator of
21 the Office of Information and Regulatory Affairs within
22 the Office of Management and Budget certifies in writing
23 is limited to repealing an existing rule.

24 (c) NOTICE OF EXCEPTIONS.—Not later than 30
25 days after a determination under subsection (a) or a cer-

1 tification is made under subsection (b), the head of the
 2 relevant agency shall publish in the Federal Register any
 3 midnight rule excluded from the moratorium period due
 4 to an exception under this section.

5 **SEC. 5. DEFINITIONS.**

6 In this Act:

7 (1) AGENCY.—The term “agency” has the
 8 meaning given that term under section 551 of title
 9 5, United States Code, except that such term does
 10 not include—

11 (A) the Federal Election Commission;

12 (B) the Board of Governors of the Federal
 13 Reserve System;

14 (C) the Federal Deposit Insurance Cor-
 15 poration; or

16 (D) the United States Postal Service.

17 (2) DEADLINE.—The term “deadline” means
 18 any date certain for fulfilling any obligation or exer-
 19 cising any authority established by or under any
 20 Federal statute or rule, or by or under any court
 21 order implementing any Federal statute, regulation,
 22 or rule.

23 (3) MORATORIUM PERIOD.—The term “morato-
 24 rium period” means the day after the day referred
 25 to in section 1 of title 3, United States Code,

1 through January 20 of the following year, in which
2 a President is not serving a consecutive term.

3 (4) MIDNIGHT RULE.—The term “midnight
4 rule” means an agency statement of general applica-
5 bility and future effect, issued during the morato-
6 rium period, that is intended to have the force and
7 effect of law and is designed—

8 (A) to implement, interpret, or prescribe
9 law or policy; or

10 (B) to describe the procedure or practice
11 requirements of an agency.

12 (5) RULE.—The term “rule” has the meaning
13 given that term under section 551 of title 5, United
14 States Code.

○